

BOARD OF REVIEW DECISION

Title of publication: Ahmet Maranki's photo

Other known title(s): Not stated

OFLC ref: 1700694.005

Medium: Image File Printout

Publisher: Not stated

Country of origin: Not stated

Language: Not applicable

Applicant: The Crown

Classification:	Objectionable except if the availability of the publication is restricted to persons who have attained the age of 18 years.
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Descriptive note: None

Display conditions: None

Date of entry in Register: 29 June 2018

Date of direction to issue a label: No direction to issue a label has been issued

Date of notice of decision: 26 June 2018

Summary of reasons for decision:

This was an appeal to the Board under section 47(2)(c) of the Films, Videos, and Publications Classification Act 1993 (the Act), by the Crown for a review of the decision of the Office of Film and Literature Classification (the Classification Office) dated 11 April 2018.

The publications at issue consisted of six short videos and three photographs, and/or montages of photographs.

In its decision, the Classification Office classified all the publications as R18 under the Act.

The Crown sought a review of that decision.

After reading submissions from the Crown, the Classification Office, and counsel for the defendant in the underlying criminal proceedings the Board have determined that

each of the publications is classified as objectionable except if the availability of the publication is restricted to persons who have attained the age of 18 years (i.e. an R18 classification).

In summary, the Board considered that, while each of the publications concerned dealt with the infliction of extreme violence and/or cruelty in various ways:

The publications do depict the infliction of serious physical harm or an act of significant cruelty but did not promote or support the infliction of such and therefore could not be deemed objectionable.

The shocking impact of the publications is balanced by the fact they document actual events and therefore have educational and informative value; they are easily shared being in electronic form and the purpose of the publications was either unable to be determined or was to denounce the actions contained within the publications.

The publications are likely to cause harm to a child or young person viewing it in terms of their mental health and wellbeing because the material describes, depicts, expresses or otherwise deals with harm to a person's body. The general levels of emotional and intellectual development and maturity of persons under age 18 mean that the availability of these videos to those persons would be likely to cause them to be greatly disturbed or shocked.

An R18 classification of the publications will limit the right to freedom of expression, but that is a reasonable limit that can be demonstrably justified in the interest of preventing injury to the public good. An objectionable classification for any of the publications cannot be demonstrably justified.